



MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen
Chair

Kenita V. Barrow
Vice Chair

November 9, 2017

Waiver 17-09-019

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Felicia Kraft is a social worker with the Social Services to Adults (SSA) Unit in the Aging and Disability Services section of the Adult Protective and Case Management Services Division at the Department of Health and Human Services (DHHS). She has requested outside employment to work as a medical social worker at Potomac Home Health Care. Potomac Home Health Care is an entity whose sister company known as Potomac Home Support, has contracts with DHHS. If Potomac Home Health Care and Potomac Home Support were viewed as the same entity for purposes of the prohibition of § 19A-12(b)(1)(B), then the outside employment would be prohibited unless a waiver were obtained from the Ethics Commission.

Potomac Home Health Care shares an address and a website with Potomac Home Support. See <https://www.phhc.org/>. While the matter has been presented as though the two entities are separate, given the proximity of the two organization, the Ethics Commission is treating the two entities as being the same for purposes of the application of 19A-12(b)(1)(B); thus, a waiver is required for the Commission to approve Ms. Kraft's outside employment request.

The work performed by Ms. Kraft for Potomac Home Health Care is not funded by DHHS.

In both roles, Ms. Kraft assists during discharge of patients from the hospital, determining the types and levels of outside support each patient will need in order to achieve and maintain a successful community-based recovery. The patient population Ms. Kraft assists in her outside role is generally over the income threshold for Medicaid or income assistance, whereas her County-based clientele are generally Medicaid or income assistance recipients.

The theoretical area of overlap between Ms. Kraft's proposed outside employment and her County position concerns circumstances where there are services provided to a client by both the County and Potomac Home Health Care. Such might be the case where a Home Health Care client is served by Adult Protective Services or where a Home Health Care client applies for Social Services to adults.

MONTGOMERY COUNTY ETHICS COMMISSION

100 MARYLAND AVENUE, ROOM 204, ROCKVILLE, MARYLAND 20850
OFFICE: 240.777.6670 FAX: 240.777.6672

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b).

The waiver is conditioned on Ms. Kraft not working in her County capacity on matters where clients of Potomac Home Health Care or Potomac Home Support are involved, on her not referring DHHS clients to either entity, and on Ms. Kraft not working for Potomac Home Health Care patients who have concerns that involve Adult Protective Services.

This waiver expires when the outside employment approval with which it is associated expires, unless a continuation request for outside employment is timely filed and subsequently approved by the Ethics Commission.

In reaching this decision, the Commission has relied upon the facts as presented by Ms. Kraft.

For the Commission:

A handwritten signature in blue ink, appearing to read "Steven Rosen", is written over a horizontal line.

Steven Rosen, Chair